

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CONRAD MURPHY, et al.,)
Plaintiffs,)
v.) Civ. Action No. 19-12481-PBS
CHARLES BAKER, et al.,)
Defendants.)

ORDER

December 19, 2019

SARIS, C.D.J.

Before the court is a civil rights complaint filed by Conrad Murphy and Christopher Fladger, each a civilly committed inmate confined to the Nemansket Correctional Center (also known as the Massachusetts Treatment Center). Plaintiffs seek to proceed on behalf a class¹ of over 130 inmates who have been civilly committed after being found to be sexually dangerous persons. With the complaint, Conrad Murphy filed motions to proceed in forma pauperis, for appointment of counsel, for preliminary screening and for service of process.

¹ "As a general rule ... an individual appearing pro se may not represent other individuals in federal court, see 28 U.S.C. § 1654, and courts have routinely denied a prisoner's request to represent a class of prisoners without the assistance of counsel." Vazquez v. Fed. Bureau of Prisons, 999 F.Supp.2d 174, 177 (D.D.C. 2013) (citing cases). "[I]t is generally not an abuse of discretion for a district court to deny a motion for class certification on the ground that a pro se litigant is not an adequate class representative." Howard v. Pollard, 814 F.3d 476, 478 (7th Cir. 2015).

Upon review of the pleadings, it is hereby Ordered:

1. Plaintiff Conrad Murphy's motions for leave to proceed in forma pauperis, for service by United States Marshal and for preliminary screening are granted.
2. Although Christopher Fladger signed the complaint, he did not file a motion for leave to proceed in forma pauperis. If he wishes to proceed as a party to this action, he shall either (1) pay the \$400 filing fee or (2) file a motion for leave to proceed in forma pauperis accompanied by a copy of his prison account statement. Failure of Fladger to comply with this directive within twenty-eight days of this Order will result in his being dismissed as a party to this lawsuit.
3. The Clerk shall issue summonses and send the summonses to Conrad Murphy, who must thereafter serve the defendants in accordance with Rule 4 of the of the Federal Rules of Civil Procedure.
4. The United States Marshal shall serve a copy of the summons, complaint, and this order upon each defendant as directed by plaintiff Conrad Murphy with all costs of service to be advanced by the United States.
5. Plaintiff's motion to appoint counsel is denied without prejudice. The plaintiff may renew the motion after the defendants have responded to the complaint.
6. The defendants are required to respond to the complaint. See 42 U.S.C. § 1997e(g)(2).

SO ORDERED.

/s/ Patti B. Saris
PATTI B. SARIS
CHIEF UNITED STATES DISTRICT JUDGE